

(sent 8-6-2018)

To Whom It May Concern:

Pursuant to the Freedom of Information Act, I hereby request the following records:

Department of Justice US Attorneys Office District of Hawaii
300 Ala Moana Blvd., #6-100
Honolulu, HI 96850
808-541-2850

Re: Freedom of Information Act Request

Kenji M. Price
US Attorney District of Hawaii

Pursuant to The Freedom of Information Act, 5 U.S.C. § 552 the following documents are requested that occurred between the dates of December 1st 2015 and January 31st 2018 .

- 1.All document logs that refer to communications to the US Court District of Hawaii and from the US Attorney's office District of Hawaii.
2. All text documents between any and all US Attorney District of Hawaii employees subject to the FOI Act, to and from employees of the US Court District of Hawaii.
3. All audio communication logs to and from US Attorney District of Hawaii employees subject to the FOI Act and employees of the Federal Court District of Hawaii.
4. All text and email records to and from all US Attorney District of Hawaii employees subject to the FOI Act and US Courts District of Hawaii specifically the Court clerks for Judge John Michael Seabright.

Thank you for your consideration of this request.

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 20 business days, as the statute requires.

Sincerely,
Codefore Publishing



U.S. Department of Justice

*United States Attorney
District of Hawaii*

*PJJK Federal Building
300 Ala Moana Blvd., Room 6-100
Honolulu, Hawaii 96850*

*TEL (808) 541-2850
FAX (808) 541-2958*

August 13, 2018

VIA U.S. Mail

MuckRock News
DEPT MR 58990
411A Highland Ave.
Somerville, MA 02144-2516

Re: Your FOIA Request dated August 6, 2018

Dear MuckRock News,

Our office received your FOIA request today, August 13, 2018.

I am forwarding your request to the Executive Office for United States Attorneys' FOIA office for appropriate action.

Very truly yours,

KENJI M. PRICE
United States Attorney
District of Hawaii

Ann Yuuki
Paralegal
U.S. Attorney's Office
Civil Division

cc: EOUSA/FOIA

This letter acknowledges receipt of your Freedom of Information Act/Privacy Act (FOIA) request received in the Executive Office For United States Attorneys on 08/13/2018.

Your request has been assigned Tracking Number: EOUSA-2018-005413.

Your request seeks records from one or more field offices, and involves many voluminous records and/or requires consultation with another agency/component with a substantial interest in the subject-matter and therefore falls within "unusual circumstances" as set forth in the statute. See 5 U.S.C.S § 552(a)(6)(B)(i)-(iii). Accordingly, we are extending the time limit to respond to our request for ten additional days. See 5 U.S.C. § 552(a)(6)(B)(i). In addition, this Office assigns incoming requests to one of three tracks: simple, complex, or expedited. Each request is then handled on a first-in, first-out basis in relation to other requests in the same track. Simple requests usually receive a response in approximately 30 business days, whereas complex requests necessarily take longer. At this time, your request has been assigned to the complex track.

Under FOIA and Department of Justice regulations you may be required to pay certain costs associated with processing your request, including, searching for, reviewing, and duplicating requested records. Consequently, you may potentially incur those costs, unless you have requested and been granted a waiver or reduction in fees. In most instances, the first 100 pages to duplicate and the first two hours to search for records responsive to your request, will be provided to you free of charge. If after making those allowances, we determine that the cost to process your request will amount to more than \$25.00, we will notify you in writing at a later date.¹ Requests that are specific, concrete and of limited scope (in time and/or subject matter) generally enable us to respond to you more quickly and possibly assess less fees. To avoid delay and reduce any potential fees, we respectfully request that you modify and narrow the scope of your request (See attachment).

You may contact our FOIA Public Liaison at the Executive Office for United States Attorneys (EOUSA) for any further assistance and to discuss any aspect of your request. The contact information for EOUSA is 175 N Street, NE, Suite 5.400, Washington, DC 20530; telephone at 202-252-6020; or facsimile 202-252-6048. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001; e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Attachment

Form No. 001 - 8/16

¹ Search and review fees by professional personnel are charged at \$40 per hour and duplication fees are assessed at five cents per page

THIS IS NOT A BILL. DO NOT SEND MONEY

Codefore Publishing EOUSA-2018-005413

CHOOSE ONE

☐ I wish to modify my request in an attempt to obtain a quicker response and/or reduce fees as follows:

Your recent request for records from the Executive Office for United States Attorneys (EOUSA) has been received. Before the Executive Office can begin processing your request, it is necessary for you to correct one or more deficiencies. Please comply with the paragraph(s) checked below:

1. ☐ A requester must provide a notarized example of his/her signature. This insures that information pertaining to an individual is released only to that person. A form is enclosed for your use.
2. ☐ The files and records of United States Attorneys are maintained in over one hundred separate offices throughout the United States. Please identify the specific United States Attorney's office(s), where you believe records may be located. This would be primarily the district(s) in which a prosecution or litigation occurred.
3. ☐ The signature of the requester or subject of the request should be notarized by someone other than the requester or his/her representative.
4. ☒ A request must describe the records sought in sufficient detail to allow location of the records with a reasonable amount of effort (i.e., processing the request should not require an unduly burdensome effort or be disruptive of Department operations). Please provide more specific information about the records you seek, such as appropriate dates, locations, names, nature of the records, etc. If you decide to submit a new request, please consider a more limited time period such as six months and specific custodians such as you have stated in item 4
5. ☐ Please note that your original letter was split into separate files ("requests"), for processing purposes, based on the nature of what you sought. Each file was given a separate Request Number (listed below), for which you will receive a separate response:

Once you have corrected the above deficiencies, please submit a new request for the documents. This is a final determination and your request for information has been closed. When we have received your new, corrected request, we will open a new file for you. By making a FOIA/PA request, you agree to pay fees up to \$25, as stated in 28 C.F.R. § 16.3(c), unless you request a waiver of fees (according to requirements in 28 C.F.R. § 16.11(k)). Indigency does not constitute a basis for a fee waiver. Please note that pursuant to 28 C.F.R. § 16.11, we are required to charge fees for time used to search for the documents you have requested and for duplication of all pages released to you. Normally, search time is charged at a rate of \$40 per hour after the first two hours which are free, and duplication fees are \$0.05 per page after the first 100 pages which are free. Please do not send any payment at this time! If we anticipate that fees will exceed \$25 or the amount you state in your letter (if greater than \$25), we will normally notify you of our estimate of fees. After we have received your agreement to pay for the expected fees (or you have narrowed your request to reduce fees) and we have processed your request, we will require payment for the accumulated charges before we release any documents to you (in excess of 100 free pages). Without such payment, your request file will be closed without further action.

Once you have corrected the above deficiencies, please submit a new request for the documents. This is a final determination and your request for information has been closed. When we have received your new, corrected request, we will open a new file for you

This is the final action on this above-numbered request. If you are not satisfied with my response to your request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, DC 20530-0001, or you may submit an appeal through OIP's FOIAonline portal by creating an account on the following website: <https://foiaonline.regulations.gov/foia/action/public/home>. Your appeal must be postmarked or electronically transmitted within ninety (90) days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

You may contact our FOIA Public Liaison at the Executive Office for United States Attorneys (EOUSA) for any further assistance and to discuss any aspect of your request. The contact information for EOUSA is 175 N Street, NE, Suite 5.400, Washington, DC 20530; telephone at 202-252-6020; or facsimile 202-252-6048. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration

EOUSA

FOIA/PA

600 E Street, N.W., Room 7300

Washington, DC 20530

facsimile 202-252-6048.

RE: EOUSA-2018-005413

Attached is a response letter received on 8/29/2018. In response to this letter I have utilized Form No. 001 - 8/16 1 to revise my request in an attempt to simplify the request and therefore reduced the amount of research and the cost. I assume that should this change in the amount of documents requested still result in abnormal fees that I will be notified in advance.

Sincerely

A handwritten signature in black ink, appearing to read "JD Benish". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

JD Benish

Codefore Publishing

This letter acknowledges receipt of your Freedom of Information Act/Privacy Act (FOIA) request received in the Executive Office For United States Attorneys on 08/13/2018.

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Under FOIA and Department of Justice regulations you may be required to pay certain costs associated with processing your request, including, searching for, reviewing, and duplicating requested records. Consequently, you may potentially incur those costs, unless you have requested and been granted a waiver or reduction in fees. In most instances, the first 100 pages to duplicate and the first two hours to search for records responsive to your request, will be provided to you free of charge. If after making those allowances, we determine that the cost to process your request will amount to more than \$25.00, we will notify you in writing at a later date. 1 Requests that are specific, concrete and of limited scope (in time and/or subject matter) generally enable us to respond to you more quickly and possibly assess less fees. To avoid delay and reduce any potential fees, we respectfully request that you modify and narrow the scope of your request (See attachment).

You may contact our FOIA Public Liaison at the Executive Office for United States Attorneys (EOUSA) for any further assistance and to discuss any aspect of your request. The contact information for EOUSA is 175 N Street, NE, Suite 5.400, Washington, DC 20530; telephone at 202-252-6020; or facsimile 202-252-6048. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001; e-mail at ogis@nara.gov; telephone at (<mailto:ogis@nara.gov>) 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Attachment

Form No. 001 - 8/16 1 Search and review fees by professional personnel are charged at \$40 per hour and duplication fees are assessed at five cents per page THIS IS NOT A BILL. DO NOT SEND MONEY

Codefore Publishing EOUSA-2018-005413 CHOOSE ONE

X I wish to modify my request in an attempt to obtain a quicker response and/or reduce fees as follows:

Please change this request for information by deleting numbered requests one thru four and replace with the following:

1. All emails received and sent to Judge Michael Seabright at email address seabright_orders@hid.uscourts.gov. by any employees of the US Attorney's office, specifically the US Attorney district of Hawaii from January 1, 2016 thru February 1, 2018
2. All emails received and sent to Lian Mito Abernathy at email address lian_abernathy@hid.uscourts.gov. by any employees of the US Attorney's office specifically, the US Attorney district of Hawaii from January 1, 2016 thru February 1, 2018

3. All emails received and sent to Sue Beitia at email address: sue_beitia@hid.uscourts.gov by any employees of the US Attorney's office specifically, the US Attorney district of Hawaii from January 1, 2016 thru February 1, 2018

☐ I understand that I am entitled to the first 100 pages and two hours of search time for free. Please do not search beyond two hours, nor duplicate beyond 100 pages.

☐ I agree to pay up to the following amount for duplication and search time: \$_____ I understand that this payment is required even if no documents are located or released to me. In the event that documents are located and released to me, I understand that I may be charged duplication fees in addition to search fees.

☐ I wish to withdraw my request.



Signature

10/7/2018

Date

Please return to:

EOUSA

FOIA/PA

600 E Street, N.W., Room 7300

Washington, DC 20530

facsimile 202-252-6048.